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Environmental Cleanup Office

January 10, 2005

Mr. Todd C. Nichols  
Cogdill Nichols Rein Wartelle  
Thirty-Two Square  
3232 Rockefeller Avenue  
Everett, Washington 98201-4398

Subject: Completion of Access Agreement Terms  
Arts Council of Snohomish County  
1507 Wall Street  
Everett, WA 98201

Dear Mr. Nichols:

I am writing to confirm that Asarco has complied with the requirements of the First Amendment to Access Agreement with the Arts Council of Snohomish County on the schedule established therein. In particular, the site has been vacated as required by the Access Agreement; however, the large asphalt pad that we installed before beginning our work has been cleaned and remains on-site. I understand that this condition is preferable to removal of an obviously useful pad for future use. Also attached are two maps that include the pre- and post-sampling information required by the Access Agreement. Sampling and analysis was performed consistent with plans approved by the Washington Department of Ecology.

As you know, Asarco provided a pre-operation assessment of the trestle to the Arts Council in July 2004. The structural deficiencies identified in this report precluded Asarco for using this access route for haul trucks or other pieces of heavy equipment. In light of this, we have not conducted a post-operation inspection.

Asarco appreciates the use of the property for its remediation activities this past year. If you have any questions, please contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "David K. Nation".

David K. Nation, P.E.  
Sr. Manager of Projects and Analytical Services

Copy w/attachment:

David South - Washington State Department of Ecology

Kevin Rochlin - U.S. Environmental Protection Agency

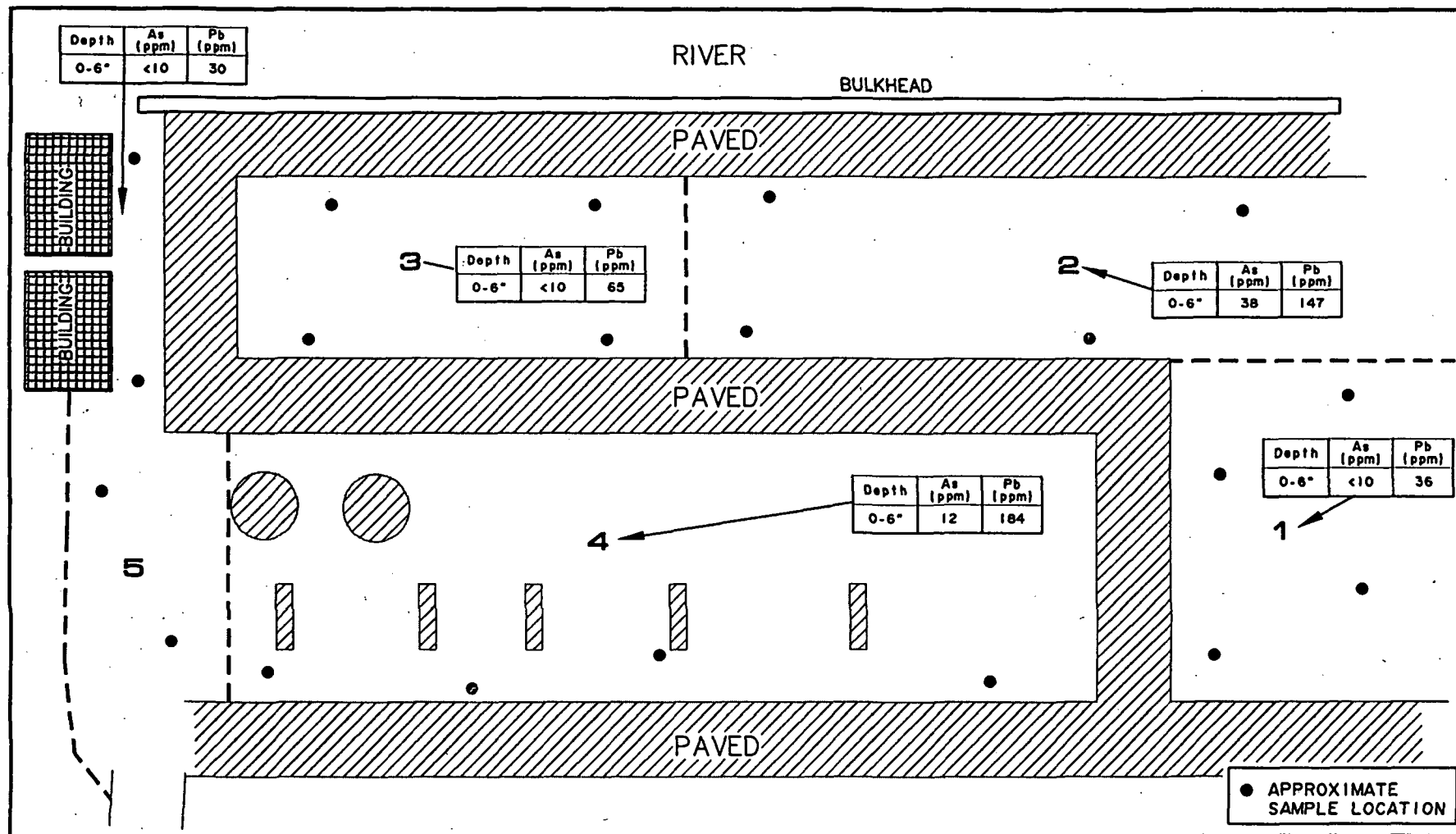
Tom Aldrich - ASARCO Incorporated

Bud Alkire - Everett Housing Authority

USEPA SF



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12/01/04

Pre-Sampling

EV-WHARF.DWG

NO SCALE

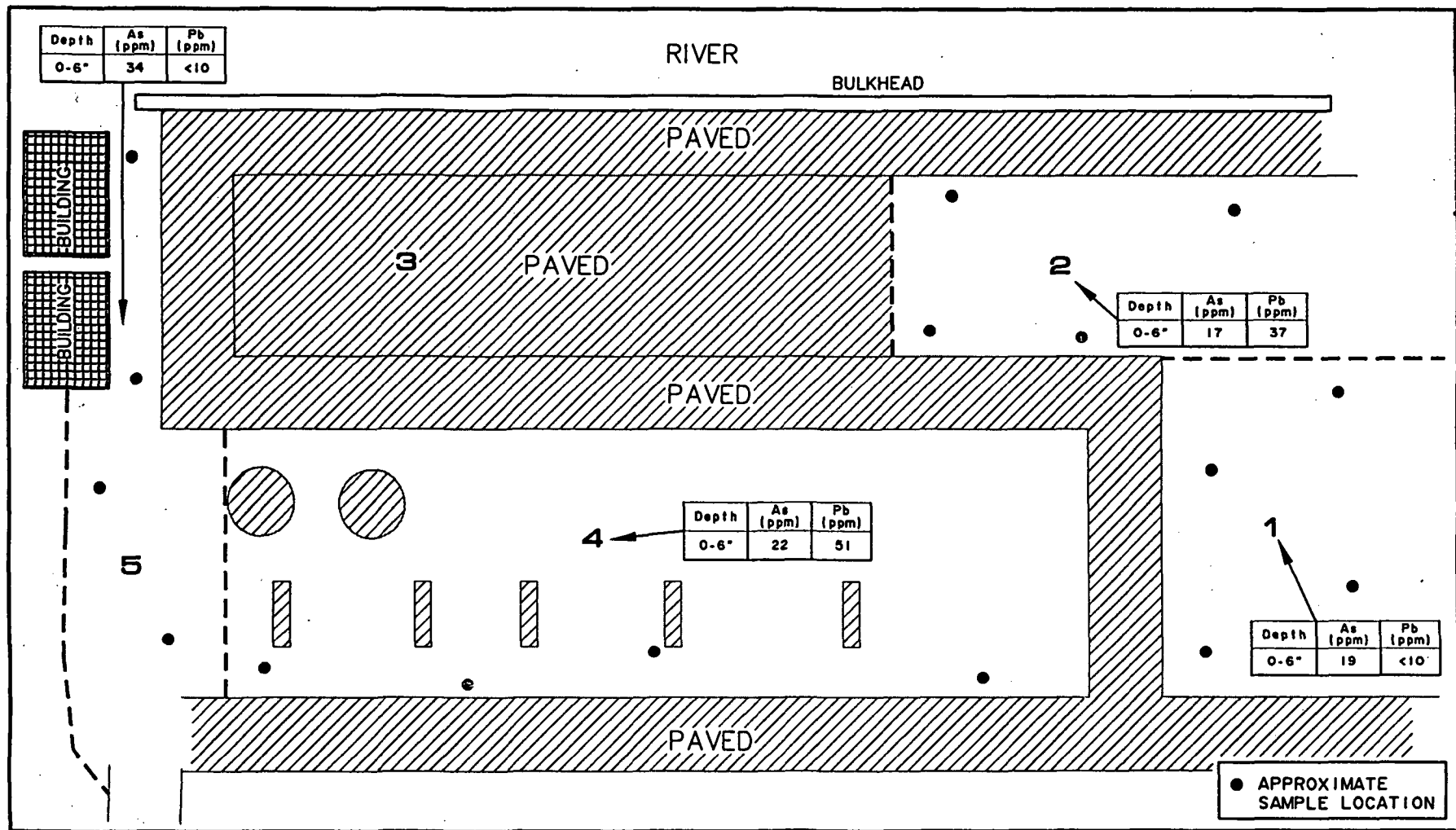
**Asarco Consulting, Inc.**

PROPERTY SITE : Everett Wharf Pre-Sampling

SITE ADDRESS: \_\_\_\_\_

PROPERTY OWNER: \_\_\_\_\_

PROPERTY RESIDENT: \_\_\_\_\_



12/3/04

Post Sampling

EV-WHARF.DWG

NO SCALE

**Asarco Consulting, Inc.**

PROPERTY SITE : Everett Wharf Sampling

SITE ADDRESS: \_\_\_\_\_

PROPERTY OWNER: \_\_\_\_\_

PROPERTY RESIDENT: \_\_\_\_\_